

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

EPALAHAME NGALU TUI,

V.

Petitioner,

Case No. 2:21-cv-00355-RFB-VCF

IMMIGRATION AND CUSTOMS ENFORCEMENT,

Respondent.

ORDER

IMMIGRATION AND CUSTOMS
ENFORCEMENT,

Respondent.

Pro se Petitioner Epalahame Ngalu Tui filed a petition for writ of habeas corpus under 28 U.S.C. § 2241 seeking release from the Henderson Detention Center where he was in the custody of U.S. Immigration and Customs Enforcement. In March 2021, Tui submitted an Application to Proceed *In Forma Pauperis* (“IFP”). ECF No. 1-1. A notice was served on Tui via U.S. Mail at his address of record. ECF No. 2. The noticed was returned as undeliverable with a notation indicating that Tui is not in custody at the Henderson Detention Center. ECF No. 3.

The Local Rules of Practice require all parties, including habeas petitioners, to immediately file with the court written notice of any change of address. LR IA 3-1, LR 2-2. The Local Rules also warn that failure to comply may result in dismissal of the action, with or without prejudice, or other sanctions as the court deems appropriate. *Id.* See also *Carey v. King*, 856 F.2d 1439, 1441 (9th Cir. 1988) (“A party, not the district court, bears the burden of keeping the court apprised of any changes in his mailing address.”).

Petitioner has not filed a notice of change of address. As Petitioner has failed to comply with the Local Rules, it is therefore ordered that this action is dismissed without prejudice. Plaintiff may move to reopen this case and vacate the judgment by filing a motion for reconsideration of this order. In this motion, the Plaintiff would need to explain that circumstances which led to him not being able to update his address as directed by the Court. If the Court finds there is good cause or a reasonable explanation for the failure to update the address, the Court will reopen the case and

1 vacate the judgment.

2 **IT IS THEREFORE ORDERED:**

- 3 1. This action is dismissed without prejudice based on Petitioner's failure to comply with
4 the Local Rules.
- 5 2. A certificate of appealability is denied as jurists of reason would not find dismissal of
6 the petition to be debatable or wrong.
- 7 3. The Clerk of Court is instructed to enter final judgment accordingly and close this case.
- 8 4. Plaintiff may move to reopen this case and vacate the judgment by filing a motion for
9 reconsideration of this order. In this motion, the Plaintiff would need to explain that
10 circumstances which led to him not being able to update his address as directed by the
11 Court. If the Court finds there is good cause or a reasonable explanation for the failure
12 to update the address, the Court will reopen the case and vacate the judgment.

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14 DATED this 28th day of June 2021.

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RICHARD F. BOULWARE, II
UNITED STATES DISTRICT JUDGE

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